

# **Exhibit 13**

**(Exhibit 13 is a video of Policy Ideas  
to Fix America's Universities  
filed and served separately)**

# **Exhibit 13a**

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**POLICY IDEAS TO FIX AMERICA'S UNIVERSITIES**

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1 (Recording begins.)

2 MR. ATLAS: Policy Ideas to Fix America's  
3 Universities is going to start here moderated. An honor to  
4 introduce Todd Zywicki, who many people probably know, a George  
5 Mason University professor of law at the Antonin Scalia Law  
6 School and a personal leader in the fight against insanity of  
7 COVID. And Todd will moderate a stellar panel.

8 MR. ZYWICKI: All right. We're batting cleanup  
9 here, so we'll -- we'll -- we'll keep everybody awake, although  
10 that was a tough act to follow. So I guess I'm here because --  
11 so I've done -- I -- I can see this issue from a couple  
12 perspectives. Back about 15 years ago, I was elected as an  
13 insurgent write-in candidate to the Dartmouth College Board of  
14 Trustees. Peter Robinson was -- got elected along with me,  
15 a -- a Hoover fellow. And I managed to be an -- sub- -- enough  
16 of a nuisance to get kicked off by the other trustees after one  
17 term.

18 I can also claim credit -- I think I'm the only  
19 person I know of who is responsible, at least partially, for  
20 getting speech codes repealed at two different universities,  
21 both at Dartmouth and at George Mason. And took me five years  
22 at George Mason.

23 And Ms. Scott eluded more -- and as Sarah  
24 mentioned earlier, I sued my -- my employer, my university,  
25 over their COVID vaccination mandate based on natural immunity,

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1 and Jay graciously -- and was one of my expert witnesses in --  
2 in the case. And so soon as they saw his affidavit, they  
3 folded immediately.

4 But -- so I've seen this from inside the board  
5 room, I've seen this as a faculty member, I've seen this -- and  
6 so -- so I'm going to give you some general impressions about  
7 all this and set the table for our amazing panel, who are doing  
8 some really interesting things and have some great examples of  
9 tools that could be -- could be used.

10 And I'm going to start off with a couple of  
11 premises, which is the first thing is, I'm going to say, I  
12 don't know what our strategy is for reversing ideological  
13 dominance at universities, but whatever it is, it's not  
14 working. Is there anybody here who thinks that whatever our  
15 strategy is is working? Yeah, that's what I thought.

16 So we could keep doing the same thing and it's  
17 still going to not work. So I think the premise of this panel  
18 is, let's think about what might work. Now, nothing I'm going  
19 to say am I going to guarantee is going to make it work, right?  
20 What I will say, though, is the trajectory is clear, if we do  
21 nothing, we know where this ends, right?

22 Aaron tried to give us some optimistic views  
23 earlier. He's more optimistic than I am. I think this just  
24 ends in a -- another Dark Ages if -- if we don't do anything.  
25 So -- so, you know, what it seems to be is we try to tell the

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1 left they should appreciate intellectual diversity, they should  
2 appreciate ideological diversity. My, aren't you hypocrites,  
3 what you -- what you -- what -- what you do, right? I mean,  
4 there's -- there's room for that, but -- but it's not working,  
5 right? So I'm going to start with that -- that -- that  
6 premise, right?

7                   The second premise, I think is pretty well  
8 established. Jay eluded to this earlier, is the left believes  
9 in power and the left responds to power. The left does not  
10 respond to being told they're hypocrites or they're  
11 intellectually dishonest. They respond to power. Now, why do  
12 I know that? Because they say that. It's not like they're  
13 hiding the ball here. The left is -- view of the world is the  
14 world is -- is power, right?

15                   And this is the framework which I say is going  
16 all the way back to Marcuse, though. Why do they oppose free  
17 speech on campus? Because as Marcuse explained, free speech is  
18 another -- just another vehicle for the dominant class to  
19 reassert their authority over -- over the subordinate, the  
20 subordinate people, right?

21                   Their view is the purpose of the univer- --  
22 if -- if -- if they bou- -- the -- the idea that the university  
23 exists to pursue truth, if you buy that premise, everything  
24 else is a rounding error, right? Free speech, intellectual  
25 diversity, standards of proof, all that sort of stuff, that's a

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1 trivial deduction.

2           They don't believe the university exists for  
3 truth, because they don't believe there's truth, number one.  
4 They believe the university is perhaps the most important  
5 institution in society to promote liberation, to right the  
6 power imbalances of all the systemic racism and everything else  
7 that -- that we -- that we heard, right?

8           So they are fundamentally playing by different  
9 rules. We are playing the game we inherited from the Middle  
10 Ages in universities, which we could call it the shared search  
11 for truth game, right? The universities are about a shared  
12 search for truth, dialogue, open speech, everybody is trying to  
13 sort of understand the truth. That's not their view.

14           Their view is, they're playing the dominance  
15 hierarchy game. They're playing the dominance game. You're  
16 either up or you're down. And any arguments that advance the  
17 prevailing dominance hierarchy are illegitimate, any arguments  
18 against it are legitimate, right? So what does that mean?  
19 Anything goes. When they say speech is violence, that is not  
20 just a rhetorical expression, right? We need to start actually  
21 paying attention to what they say.

22           They are telling us -- they are telling us what  
23 they mean. They believe speech is violence because it  
24 reaffirms the existing power dominance in -- in society. So we  
25 could continue to play the reciprocal free speech game, the,

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1 you know, the reciprocal search for truth game while they are  
2 playing the power dominance game, and I think we see how  
3 this -- how thi- -- how this plays out, right?

4                   These are not decent people. These are not good  
5 people. Right? These are people who will fire you, who will  
6 end your career because you have a mis- -- a bad -- a bad  
7 Tweet, right? These are people who will stick vaccines and  
8 booster shots in 19-year-old boys, right?

9                   UNIDENTIFIED SPEAKER: (Inaudible.)

10                  MR. ZYWICKI: For whatever reason, right? These  
11 are not good people, right? And we need to, I think,  
12 appreciate that, the kind of people we're dealing with on --  
13 on -- on campus, right? Now, one of the implications of this  
14 is, it is -- ironically, it is truth, not error, that they want  
15 to suppress. It is truth not error. Why? Error can be  
16 rebutted by argument, but truths that can be in their terms,  
17 quote, weaponized, unquote, to reaffirm the existing power  
18 hierarchy, that's what must be suppressed, the things we heard  
19 about earlier, right?

20                  Any research, the hypothesis, asking the  
21 questions that could provide insights that could be true, but  
22 then could be, in their view, used to reaffirm existing power  
23 dominance is what must be suppressed. Truth must not only be  
24 ignored and must actually be suppressed if it reasserts the  
25 existing powerarchy.



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1                   So I know we have a lot of economists in this  
2 room. I would wager Roland Fryer's study on police shootings  
3 could not be published in the AAR today in the form that it  
4 wa- -- in the form it was published in 2019, right? The world  
5 has fundamentally changed in that way. Why? Because it is --  
6 could be true. I'm not even saying it's true, but it could be  
7 true, which is precisely why it has to -- to -- that's  
8 happened, right?

9                   So what does this mean? This means if they are  
10 playing a power game and we're not, this is just tit for tat,  
11 right? This is just tit for tat. You don't have to be an  
12 economist to understand enough game theory to understand tit  
13 for tat, that if you don't fight back, they're going to just  
14 continue to pummel you, right? And so whether you like it or  
15 not, we have to be -- if -- we can either lose or we have to be  
16 willing to use power to fight power, as I think as Jay was --  
17 was saying earlier, right?

18                  Now, I recognize everything I'm saying can have  
19 unintended consequences. Right? Everything I'm saying can  
20 have unintended consequence. Tit for tat can lead to a stable  
21 equilibrium, where we get back to some degree of neutrality and  
22 standards. Tit for tat can also lead to the Hatfields and  
23 McCoys, right? Now, why do I think notwithstanding the  
24 unintended consequences? I think it's worth thinking about it.  
25 Because where -- the -- the worst case scenarios, we end up

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1 where we're going, just faster. Right? I think, again, if we  
2 don't do anything, we end up in -- in the gutter, right?

3 Another argument people say is, Well, you know,  
4 what happens if Elizabeth Warren gets ahold of this, right,  
5 some of the things I'm talking about. Come on, folks.  
6 Elizabeth Warren isn't waiting around for us to pass laws that  
7 says it's okay to -- to do these things, right? They are not  
8 playing by any established rules. They are not constrained by  
9 the rules, and so maybe -- maybe they might be a little more,  
10 you know, worse than they are now, right, but I'm -- I mean,  
11 it's -- let's -- let's be realistic, right? We're the only  
12 ones who are concerned about the rules, and so if we -- you  
13 know, let's -- let's be -- let's be aware of that. All right?

14 Now, let me just say about a minute or so on  
15 unintended consequences I do worry about, and then talk about a  
16 few ideas and then turn it over to the panel. Which is first  
17 is, we do need to be concerned about unintended consequences.  
18 And in particular, we actually need to to think through the  
19 incentives we are creating. So let me give you two examples.

20 The first is, one of the problems at the  
21 university today goes back, I think, in con- -- previous  
22 conservative efforts to reform the university, it goes back, of  
23 all things, to William F. Buckley and God and Man at Yale.  
24 What Buckley said was what we need to do is get some hardheaded  
25 CEOs on those board of trustees and they'll ride herd on those

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1 lazy faculty members and that sort of thing, right?

2 Well, I served on the Dartmouth board with a  
3 bunch of hardheaded trustees, and it didn't quite work out that  
4 way, right? Basically, their view was, the president in the  
5 university is a CEO like me, so I'll just let the president in  
6 the university run the -- run the university like I want people  
7 to allow me to be the -- the -- the CEO, right? What does that  
8 end up doing?

9 Well, in a world without profit and loss  
10 statements, you basically -- what you get now, which is  
11 basically, in a nonprofit, you get bureaucratic empire  
12 building, right, by the -- by the president; and you get a  
13 bunch of academics running rings around the board of trustees.  
14 We actually had a discussion when I was on the Dartmouth board,  
15 one of these board members, who is a really tough guy, really  
16 smart, tough guy, actually had the temerity to ask about grade  
17 inflation.

18 And the dean at the time, the dean of -- of the  
19 faculty, just ran rings around him. You got this, you got  
20 that, there's all these different reasons. And so, basically,  
21 he just -- he basically said, You're an idiot and I can't  
22 believe you ask such idiot questions, right? And that was the  
23 end of it, right? We never revisited the question of grade  
24 inflation or a lot of other things like that.

25 The second thing I think we should be very

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1 careful about, and you can dismiss me as pleading in  
2 self-interest here, but getting rid of tenure, I think, would  
3 be a very bad idea. And the reason is, the reality is simply,  
4 yes, I've talked about unintended consequences, yes, I've  
5 talked about tit for tat, the reality is the left is just more  
6 ruthless. And they're going to fire us -- they're going to  
7 fire us before we fire any of them. So, you know, and -- and I  
8 don't think we should be as ruthless as they are, right?

9 But in thinking through these sorts of things,  
10 we should be realistic about who they are and who we are, and I  
11 don't think we should be that person, right? And I think  
12 everybody in this room has to ask, what is our limit, right?  
13 What is our limit in terms of what we're going to do? I mean,  
14 it's clear, the left -- the left obviously discriminates on  
15 ideology when they do hiring, right?

16 Could I bring myself to actually discriminate on  
17 the basis of ideology? I don't know. Right? Could I  
18 basically say, I'm going to weigh somebody's ideology over  
19 their competence? That would be a tough thing for me to decide  
20 to do, right? Whatever -- whatever the case may be. It's easy  
21 for them. It's hard for -- it's -- it's harder for me. And I  
22 think it's harder for a lot of us to -- to do that, which may  
23 just mean, you know, we've got limits that they -- that they  
24 don't have, right?

25 So let me say what might work then. I said what

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1 I don't think will work. First is savvy use of government  
2 power. A good example of this is the Solomon Amendment, if  
3 you're familiar with this. This is the federal law that  
4 requires universities that receive federal funding to allow the  
5 military to recruit on campus.

6 Bunch of law schools challenged this a few years  
7 ago, saying it was a violation of the First Amendment rights.  
8 Bunch of us at Scalia law school filed the brief in support of  
9 the Solomon Amendment as a legitimate use of government power.  
10 But -- but it works. Why does it work? Because universities  
11 know that -- that the government is serious about it. The  
12 university knows that the gov- -- that the government will, in  
13 fact, enforce the Solomon Amendment. And universities complain  
14 about it, but they go along with it, right?

15 So the idea of using something like the Solomon  
16 Amendment for free speech for things like that, that basically  
17 say, in some way, your funding is going to be tied to a certain  
18 standard, certain things that you do, right, could be something  
19 we could look at. Could it have unintended consequences, could  
20 the left weaponize us -- against us? In theory, yes. In  
21 practice, they're doing it already. How much worse can it get,  
22 right, to use this?

23 Related to that, I think, is the idea of  
24 potentially a free speech ombudsman that some people have --  
25 have talked about. Which is, in state governments, for

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1 example, requiring free speech ombudsmen, somebody who would  
2 have to report every year on the condition of free speech, or  
3 basically somebody that students could complain to if they felt  
4 like they had a free speech -- a claim. Could it be used by  
5 the left? Sure. You know, what's -- you know, what's the  
6 difference? Basically, they're -- you know, they're doing that  
7 already, just through the -- through the dean's -- through the  
8 dean's office, right? And I think we'll hear more in Florida  
9 about some of the things that Florida is doing, and so I won't  
10 steal the thunder from my -- my pan- -- my co-panelist on some  
11 of the things they're doing with that.

12 I think a third thing that we should focus on  
13 that was eluded to earlier is, we need to develop a farm team  
14 of administrators. When I was on the Dartmouth board, I  
15 potentially had the opportunity to basically recommend any  
16 qualified candidate in America to potentially be the -- the  
17 president of Dartmouth. All right?

18 Turns out, there were essentially zero  
19 conservative or even moderately con- -- mildly conservative  
20 candidates who would be capable of being the -- a -- a finalist  
21 for the presidency of a place like Dartmouth, right?  
22 Presidents in, say, a Big Ten school or Provost, another Ivy  
23 League school or something like that, right, we just don't have  
24 a farm team. And these administrators do and these presidents  
25 have a lot of power. It was -- as was the case earlier.

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1 Ben Sasse at Florida's kind of a sui generis  
2 type appointment, but he's going to have obvious limitations  
3 because he's not an academic and that sort of thing. And so  
4 trying to figure out how we groom a farm team of  
5 administrators, I think, is -- I think is important.

6 We also heard earlier, I think we have to be  
7 willing to use the tools we have. And so Aaron and I were  
8 talking about this. You know, using litigation, right? The  
9 courtroom may be the -- about the only place nowadays you can  
10 get a fair hearing. Title IX cases have almost universally  
11 won. When people challenge the kangaroo courts in Title IX  
12 cases on campuses, they -- they almost universally prevail,  
13 because these things are such awful star chambers, right? And  
14 universities usually just won't change unless they are -- they  
15 are sued, right?

16 And -- and you -- and -- and so you've got to be  
17 willing to -- to use the tools that -- that you have, right?  
18 EOC complaints, for example, I think is something that's worth  
19 thinking about, right, to challenge some of these other sorts  
20 of things. One of the things that's important about this is,  
21 why -- why do I say this? Why is it important to use these  
22 tools? Well, here's -- here's the thing, which is the left  
23 knows -- like, so why do we still have speech codes on  
24 campuses? I mean, we've been arguing for 25 years. You know,  
25 some day this could be turned against you, you know? Some day,

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1 the Israeli students could turn this against the Palestinian  
2 students, right?

3                   And it's hard to say it with a straight face,  
4 right? Because everybody knows that's never going to happen,  
5 right? The only reason we have speech codes is because they  
6 know they'll always be implemented in a one way -- way in --  
7 in -- in practice, right, not in theory. And so I think  
8 certain things -- this is sort of using power for -- power with  
9 power.

10                   I'll just give you an example that's going on  
11 right now, is over a dozen federal judges have announced that  
12 they're going to boycott Yale law school for hiring their  
13 clerks, right? All of a sudden, Yale's dean announced, here's  
14 our free speech policies, right? And what's the point? You  
15 say, Well, that's not very nice to punish the conservative  
16 students. It's like, well, if you believe free speech matters,  
17 what el- -- what's your strategy, smart guy? Right? If you're  
18 a judge who believes this is important, what's your strategy  
19 for -- for dealing with it, right?

20                   I'll say just a couple more things. I think  
21 it's important to stop trying to compromise, stop trying to  
22 rationalize with these people. Stop trying to negotiate with  
23 them. I've seen this a lot, especially with these centers on  
24 campus. I think Don [sic] Bonevac said it very well earlier  
25 today. Pol- -- apologize if I misspoke your word, right?



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1 Which is, it only gets worse. Wherever you start from, it goes  
2 downhill from there, right? So if you compromise to begin  
3 with, you're already halfway gone, right?

4           If you've got the -- we've heard this again and  
5 again. If you've got the moral high ground, assert the moral  
6 high ground, right? Don't -- don't -- don't surrender it.  
7 I'll tell you this, my -- my story was when I -- when I settled  
8 my lawsuit, one of the reporters -- so one of the things that  
9 they did with George Mason was, they didn't just recognize as  
10 the vaccine mandate anything approved by the FDA. They had any  
11 vaccine approved by the World Health Organization.

12           And when I first saw that -- because I was  
13 expecting this to be the FDA. And I saw it and I was on  
14 vacation, and I burst out laughing and my wife is, like, What's  
15 so funny? And I said George Mason just said the Sinovac  
16 vaccine is okay, but natural immunity isn't.

17           UNIDENTIFIED SPEAKER: Right.

18           MR. ZYWICKI: Right? And I said, and I'm going  
19 to take Sinovac and I'm going to shove it up George Mason's you  
20 know what every single time I'm on television, right? And so a  
21 reporter asked, Why did George Mason settle? I said, I don't  
22 know. Maybe they just didn't want to hear about Sinovac every  
23 day for the next year, right?

24           But basically, what's the point? The point is,  
25 you -- that you have to be accurate, but you don't have to be

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1 fair, right? I didn't have to beat Pfizer and Moderna at the  
2 time, I had to beat Sinovac, right? So make them defend  
3 Sinovac, right? The policy at George Mason was designed by the  
4 fire chief of the university, right? My position was defended  
5 by Jay Bhattacharya. Right? I went on TV and said, The fire  
6 chief says I have to get the vaccine. Jay Bhattacharya and  
7 Martin Kulldorff say I don't, right?

8                   You know, basically, the point is, make them  
9 defend the indefensible. Push them out to their fences, push  
10 it beyond it, stay on the offensive, make them defend their --  
11 their principle, right? And one of the lessons of this is  
12 basically Saul Alinsky. If people haven't read Saul Alinsky,  
13 read Saul Alinsky. That panel we just heard was an hour of  
14 classic Saul Alinsky. Ridicule, push them beyond their --  
15 their perimeters, have fun, never let up.

16                   The last thing I'll say is, name the premise.  
17 And I'll close on this and I've already gone too long. Name  
18 the premise. Make them say it, pin them down in detail. So,  
19 for example, here's the question every president -- every  
20 college president who wants to have the booster mandate should  
21 be asked by students and parents. Tell me your number, Mr. and  
22 Mrs. President. How many young men on this campus is the right  
23 number for cases of myocarditis to get this booster? Five,  
24 twelve, ten? Tell me your number. How many -- what is the  
25 acceptable collateral damage for you to do this? Give me a

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1 number. Right? Pin them down in detail. Make them -- don't  
2 allow them to talk around it. Make them name the premise, make  
3 them name it with -- with specificity.

4           When we were -- we got tangled up in a dean  
5 search at George Mason and got commandeered by the DIE [sic]  
6 crowd. And here's what I did, was, I said, Okay, you told us  
7 we need to have a -- a diverse slate. Tell me what diversity  
8 is, exactly. If we give you a black lesbian, does that count?  
9 Is that enough? Right? Exactly. Tell me exactly what you  
10 want, right? Why -- what was the deal?

11           Basically, the deal was, they wanted to --  
12 basically, their premise is, everybody knows how this works.  
13 We all break the law and we pretend like we're not, right? And  
14 I basically said, I'm not playing that game, right? I'm not  
15 playing that game. If you want to break the law, you have to  
16 break the law. And I'm going to put it in my notes and it's  
17 going to be foible, right? And, you know, of course, I  
18 couldn't get an answer out of them, but it made them very  
19 uncomfortable, right?

20           What was it? Make them name it. Make them name  
21 it. Don't let them get away with their slickness in getting --  
22 getting around it. Make them defend the indefensible. With  
23 that, I will turn it over to my -- to my colleagues. Thank  
24 you.

25           MR. LOWERY: So I guess I'll -- I'll start off

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1 and, you know, problem anytime I talk with Todd is we're too  
2 highly correlated, so I'll just try not to overlap too much.

3 UNIDENTIFIED SPEAKER: Microphone.

4 MR. LOWERY: Yeah. So my contribution here, I  
5 think Professor Hankins mentioned that he viewed himself as  
6 possibly the world's greatest expert on the Renaissance,  
7 roughly, I think. And that seemed like a fair statement. I  
8 might very well be the world's greatest expert on failed  
9 academic reform, so I will try to bring that perspective to  
10 bear.

11 Briefly, the -- the picture is we have -- we  
12 have to do this because we've basically replaced our leaders  
13 from people who could potentially use logic and evidence with  
14 people who think that's inappropriate. And at the same time,  
15 they reject the natural crutch of tradition and just doing the  
16 same old stuff. So we've got people who will neither reason  
17 nor appeal the tradition, and that's creating a leadership  
18 class that's just a complete failure.

19 So how do we fix that? And I think that has to  
20 come from higher education, because that's where -- we've  
21 moved -- that's what we've done. We've moved away from  
22 having -- educating people in those ways. So going into  
23 details, what are the things we need to do? And I think big  
24 picture, three big things that need to happen, and I'll go  
25 through the three big things that need to happen and then the

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1 three reasons they won't happen.

2                   So, yeah. We should have left with the students  
3 because that would have -- you could have all left with false  
4 hope. So the first thing we have to do is complete and total  
5 legal and legislative removal of all the DEI, CRT, queer theory  
6 stuff from all positions of administrative power in  
7 universities. As long as they are there, we can't do anything.  
8 The -- and they are in -- you know, such a -- what -- what  
9 others might call an ideological purge is necessary because  
10 those ideas are fundamentally incompatible with the idea of  
11 free inquiry or the functioning of a university.

12                   So that is -- that has to happen and it's  
13 difficult, but we have to, you know, stop trying to be nice to  
14 people and get it done. And that means remove the ideas and  
15 remove the people. Because this whack-a-mole thing where, Oh,  
16 they went too far and they put in too strong of a DEI  
17 requirement, we'll make them take it back, that doesn't work if  
18 you just leave the person in place and they come back and they  
19 do it, you know, next Tuesday after you stop paying attention.  
20 So that has to be complete.

21                   We also have to remove that same set of ideas  
22 and the same set of personnel from anything involves a -- a  
23 required curriculum for graduation at, at least, a public  
24 university. So again, this will sound like I'm saying we need  
25 to purge, but we cannot have a situation where, in order to get

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1 a degree conferred on you by, for example, the State of Texas,  
2 you have to sit through ideological training. That is not an  
3 active academic freedom, that's suppression of academic  
4 freedom, so we need that complete purge.

5           And I think Professor Bonevac mentioned our  
6 flags, and that's when -- you know, we have explicit, you have  
7 to sit through at least one critical race theory class in order  
8 to graduate from the University of Texas. So to get a degree  
9 conferred by the State, you have to sit through political  
10 training. And we cannot tolerate that, and as long as that's  
11 there, we're going to continue to mint the same sort of  
12 students that we've been minting, who go and join the  
13 government and impose this stuff on everyone else.

14           The third thing we have to do, and this is a  
15 little more creative perhaps, we have to create independent  
16 institutions, not just outside, but within the universities.  
17 It's great, the idea to build -- you know, we could rebuild  
18 history outside of the universities. There are donors who will  
19 do that. That's a good thing. We also have to be able to  
20 confer degrees on people without them having to go through the  
21 insanity they're going through.

22           So we need to create independent colleges and  
23 schools within universities that have the -- the authority to  
24 allow students to satisfy all the de- -- all the requirements  
25 for graduation without going to the insane people. And that's

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1 absolutely essential and that -- as soon as you start getting  
2 any progress on that, that's where they come after you, for  
3 sure. That's personal experience.

4               So why is none of this going to work? None of  
5 this is going to work because there's no constituency for real  
6 reform amongst conservatives. You know, we can hear the  
7 optimism from our Saul Alinsky style young conservatives, but  
8 they're not the ones running state legislatures, they're not  
9 the ones running family fortunes, and the people who are like  
10 that are old school conservatives who have excessive respect  
11 for institutions and hierarchies. And they will never side  
12 with reformers or insurgents against established hierarchies  
13 and institutions. They will just defer to the prestigious  
14 institution, even if it's run specifically by a critical race  
15 theorist who would throw them in jail for their business  
16 activities and their speech. They will stand with the  
17 institution against anyone who challenges an institution or a  
18 hierarchy. The conservative sensibility is incompatible with  
19 what is needed to return a conservative voice to campus or  
20 society as a whole.

21               The other reason none of this will ever happen  
22 is because academic freedom is such a gravely misunderstood  
23 concept amongst, again, conservatives in power. They treat  
24 academic freedom as a requirement for noninterference, when  
25 noninterference is what destroys academic freedom. If you sit

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1 by and let unelected bureaucrats determine the curriculum, and  
2 the -- what acceptable ideas can take place at a state  
3 university, you are betraying academic freedom, you are not  
4 practicing it. But they cannot understand this and they will  
5 not act because they're petrified of ever possibly treading on  
6 anyone's academic freedom.

7           And the third reason this will all fail is  
8 because even within conservative academics, you know, maybe a  
9 tiny fraction, five percent of academics are conservative,  
10 within that group, 90 percent are accommodating grifters, for  
11 lack of a better word. There will always be someone to step up  
12 and say, Oh, no, this person's crazy, they go too far. And I'm  
13 happy to take the large salary to run the institute in the way  
14 that keeps, you know -- we -- we could keep the donors happy,  
15 and we don't actually have to challenge the power of the left.

16           And conservatives, again, they love these people  
17 because these people tell them optimistic stories. These  
18 people go to the football game with the president, these people  
19 are very good at one thing and one thing only, which is  
20 convincing people that everything's actually not that bad, and  
21 as long as I get enough resources, we'll do it. And every  
22 single time, I have looked at so many of these attempts and  
23 I've been involved with them, the grifter always wins. And the  
24 grifter always wins not because of the university, but because  
25 of the donors, the alumni and the politicians. They'd always



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1 rather go with the grifter. And so that's why we're doomed.  
2 And yeah.

3 UNIDENTIFIED SPEAKER: (Inaudible) after that?

4 MR. LOWERY: So I will say, if you want a moment  
5 of optimism, Todd mentioned the potential for a dark age, but,  
6 you know, in the old dark age, it took a really long time for  
7 the information that was lost to get back. Maybe with the  
8 internet, we can have a V-shaped dark age. Maybe it'll only be  
9 a few decades, but that's the best I can see.

10 UNIDENTIFIED SPEAKER: Back to the monastery.

11 MR. LOWERY: Yeah. Exact- -- I mean, that's --  
12 maybe that's our only job. Maybe that's what Hillsdale is  
13 going to be, is we'll just hold on for a few more years until  
14 everything gets really bad and maybe something can be rebuilt,  
15 but I'm not optimistic. So thanks.

16 MR. EITEL: Thank you, Todd. I -- I have to say  
17 that having seen our young friends from the universities, I  
18 actually am optimistic because that's our future right there,  
19 and they're the ones that are going to make it happen. So I  
20 got to disagree with you on that.

21 My name's Bob Eitel. I lead a group called the  
22 Defensive Freedom Institute for Policy Studies, which is a  
23 conservative Libertarian group focused on federal education and  
24 workforce policy and related civil rights issues. So for  
25 purposes of this conversation, I'm going to focus on federal

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1 policy solutions, and there are some federal policy solutions.

2           The reason we have such a focus at DFI about  
3 federal policy is because I and my cofounder were on Secretary  
4 DeVos's leadership team at the U.S. Department of Education for  
5 four years, where we worked on regulatory reform, including  
6 Title IX. I was an architect of the rule that was published in  
7 2020. And so our focus is on the role of the U.S. Department  
8 of Education, if any, in connection with some of these reforms.

9           I should probably state that probably every- --  
10 probably everyone in this room takes the view that the U.S.  
11 Department of Education should be abolished. And I concur with  
12 that. We also probably all have the view that federal  
13 executive power and its role in the American education system,  
14 including -- including higher ed should be, at most, minimal.  
15 The difficulty is, is that I don't know the department and the  
16 federal rule are going anywhere. I think that they're here to  
17 stay. They may be reduced somewhat in a conservative future --  
18 a future conservative administration and Congress, but I don't  
19 see the Title IV program going anywhere, as much as I'd like to  
20 see it abolished or Pell Grants or any of that.

21           So the question then becomes, what can  
22 conservatives do in this area to deal with the issues that  
23 we've heard today? So let me give -- let me give you some  
24 ideas. The first thing that Congress should do is to take  
25 steps to nurture intellectual diversity in higher ed. And the

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1 way to do that is not to create some office in some federal  
2 agency that polices these issues, but to simply pass a  
3 viewpoint discrimination act that effects post-secondary  
4 institutions that participate in the Title IV program or  
5 otherwise receive federal financial assistance and prohibits  
6 viewpoint discrimination in university employment decisions and  
7 in educational programs and activities.

8           That is an elegant way of doing it, it puts the  
9 issue in the courts. I would not create an office in the  
10 justice department or the education department to police the  
11 issue, much like we have with Title IX or Title VI or an EEOC.  
12 It would be a -- a -- a statute that a plaintiff would be able  
13 to sue under to seek monetary relief -- monetary damages,  
14 injunctive relief, declaratory relief, and most importantly,  
15 their attorney's fees and costs if they are the prevailing  
16 plaintiff.

17           That will cause, I think, our friends on the  
18 left to think twice about cancel culture or treating many of  
19 these academics the way they've been treated by their  
20 colleagues where they've been fired or their conditions of  
21 employment have been limited in a negative way.

22           You would have to have exemptions for military  
23 schools and service academies, because it's a different  
24 educational environment, as well as for religious schools,  
25 because there are special, I think, religious institutional

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1 missions in play there that aren't a factor at a Stanford or a  
2 George Mason.

3           The second thing that needs to happen is that  
4 Congress needs to sta- -- take steps to curve the power of the  
5 Title IX offices and the DEI offices on campus. So for  
6 instance, Congress needs to dive into Title IX as a statute and  
7 do -- make some amendments. And those amendments need to do  
8 the following things.

9           They need to clarify that sex under Title IX  
10 means biological sex at birth, not gender identity. It needs  
11 to provide special protections for women's sports in spaces  
12 like dorms. It needs to mandate basic due process, protections  
13 in disciplinary proceedings. It needs to beef up exemptions  
14 under the statute for religious schools who can obtain an -- an  
15 exemption under Title IX, and it needs to codify many of the  
16 Betsy DeVos Department of Education Title IX regulations that  
17 were put into place in 2020, regarding what exactly is sexual  
18 harassment. That would -- that would limit the scope of the  
19 influence and the power and authority of these Title IX offices  
20 on campus. And I'll get to the DEI offices in a moment.

21           Third, federal policy should encourage the  
22 establishment in growth of new and innovative institutions of  
23 higher education. And a perfect example of that is the  
24 University of Austin. We need more Universities of Austin. We  
25 need the centers that Professor Haskins [sic] was talking about

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1 earlier today. Those conform the nucleus of a future college  
2 and university up the road.

3           The difficulty here is that we have  
4 accreditation requirements under the Higher Education Act that  
5 can make this very difficult to do. So Congress needs to amend  
6 the HEA, and there's a possibility this can happen in 2025 if  
7 you have the right president and you have a -- a truly  
8 conservative Congress, is they need to abolish the regional  
9 accreditation cartels, make these agencies act based on the  
10 mission of their schools, not their locations.

11           They need to accredit schools on a national  
12 basis, not on a regional basis as now exists. They need to --  
13 in the HEA, Congress needs to amend the HEA to protect the  
14 sovereignty of states to decide the leadership and governance  
15 issues for their state university systems. We see this issue  
16 going on in California, and I have a feeling we'll be hearing  
17 about that issue later.

18           The HEA accreditation rules need to be beefed up  
19 to protect religious schools or schools controlled by religious  
20 organizations so that accreditation agencies honor the  
21 institutional mission of religious or faith-based institutions.  
22 And we need to prohibit accreditation agencies from leveraging  
23 their Title IV student loan gatekeeper role to mandate that  
24 post-secondary educational institutions not adopt diversity,  
25 equity and inclusion policies.

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1                   One of the reasons our universities and colleges  
2 are pushing these DEI policies in offices is because they --  
3 they take the position that the accreditors require it. And  
4 they -- and if they're not -- and if the school is not  
5 accredited, they can't get -- they can't participate in Title  
6 IV and get student loans.

7                   This is not directly on point, but I have to say  
8 it because this is a big hobbyhorse of mine, and that is the --  
9 my final point and that is this. Congress needs to take steps  
10 to combat the influence of foreign governments and their  
11 proxies in higher ed, and I'm particularly thinking of China  
12 and the Chinese Communist Party.

13                   We have a disclosure requirement under the  
14 Higher Education Act that's very weak. If you don't oblige,  
15 then the worst you're going to get is a nasty letter from the  
16 Department of Education and maybe -- maybe the Justice  
17 Department. They need to beef up that provision, and they need  
18 to -- to ensure that those disclosure provisions, wherein an  
19 institution has to disclose their contributions, their gifts  
20 and contracts with for- -- foreign governments and their  
21 proxies, they need to disclose that fully and completely and  
22 make it -- and this is the -- the change, make it con- -- a --  
23 a -- a contingency for Title IV funding. That is, if you don't  
24 do it, you lose your participation in the program.

25                   That's the only way these colleges and

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1 universities are going to pay attention to this issue. It's  
2 all on there. I know we're limited in time.

3 MR. CORCORAN: Thank you. My name's Richard  
4 Corcoran. I apologize. I've gotten a sore throat. It's not  
5 COVID or strep, I assure you. I even thought of calling Scott  
6 and saying, Hey, I might have to cancel, I'm losing my voice.  
7 But then I thought, I'm from Florida, we don't cancel anything,  
8 so I had to show.

9 But I -- I have three things that I would share  
10 too. First, and before I get started, I do want to thank --  
11 you guys probably read, we were probably one of the most  
12 forefront states of the 50 to absolutely ensure that any child  
13 in the state of Florida at the height of COVID was offered a  
14 seat in a school with face-to-face instruction more than any  
15 other state. And we were able to do that.

16 We were immediately sued when we announced that  
17 emergency order, and the way we got through that litigation  
18 against the teachers union, of course, was we reached out to  
19 Dr. Atlas and Dr. Atlas, at the time, was doing a lot of work  
20 with the Trump Administration. He said, You need to reach out  
21 to Dr. Bhattacharya. And we reached out to Jay and he was our  
22 expert witness and did a phenomenal job, and we were able to  
23 withstand the legal action.

24 In fact -- and then after that, the governor had  
25 asked me, Hey, I need you to go on and start selling the story

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1 a little bit. And all I did was read, verbatim, like, nine  
2 times Dr. Bhattacharya's brief before the Court. And I  
3 remember being on all the CNN shows and -- and they would give  
4 their rhetoric of completely unfactual things. And I would  
5 say, Well, we've, you know, got Dr. Bhattacharya from Stanford  
6 and this is the facts. But a heartfelt thanks to both.

7 And then Dr. Atlas came down to Florida once we  
8 opened, and we toured the entire state with Dr. Atlas, walking  
9 through folks, why it was safe for kids to go back to school.  
10 So thank you very much, both of you.

11 And I'm not an academic. I'm a lawyer by trade.  
12 I became speaker of the Florida house, that's how I got to  
13 become friends with Governor DeSantis. He asked me to do his  
14 transition because he really didn't know the Tallahassee for  
15 secretaries and chiefs and what have you. And then he asked me  
16 to be the secretary of education, which I did up until about  
17 May.

18 So I will tell you -- and a lot of the comments  
19 that have been made, I like a lot of them, and we've done a lot  
20 of them. My bottom line would be with what you said  
21 originally, and that is, what we're doing is not working. And  
22 I think -- so our strategy -- my strategy has been, when I talk  
23 to folks, is, we have to throw the kitchen sink at the problem.  
24 And there's no such thing as a bad idea. I don't care what it  
25 is, but some ideas have less impact and take longer.



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1                   What we're talking about is really a 20-year  
2 battle. I mean, if we did everything right today, we'd start  
3 reaping those benefits probably in 20 years. The biggest  
4 solution to higher ed has been played out in the last three and  
5 a half years, four years in Florida, and that is, leadership is  
6 everything. If you have a great leader who understands what  
7 their philosophy is and is willing to fight for it, you can  
8 have game-changing outcomes.

9                   And so -- and I -- and then I'll talk about two  
10 other things. But -- so you look at what you said in your  
11 opening, you know, we have boards for all of our universities  
12 and colleges and, of course, a lot of donors, a lot of  
13 corporate CEOs are on those boards. And they do immediately, I  
14 think as a whole, fall into place with the structure of the  
15 university and defer to the academics.

16                   And I -- I have far less problems with them  
17 falling in with the presidents than I do the falling in with  
18 the provosts. You know, I think they're the most liberal  
19 individuals, arguably, in the country. And -- but when you  
20 have a governor who has their back and says, I will not put you  
21 on that board of trustees -- which they really want to do.  
22 They want to be on the University of Florida Board of Trustees,  
23 that's where they went to school, that's -- they want to go to  
24 the football games, they want to sit in the president's box.  
25 But they -- and the criteria is, one, you're going to work; and

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1 two, here's what you're going to work at.

2                   It's -- it's a -- we have had great success in  
3 the last four years only with corporate executives who  
4 understand that this is who the governor is, he has our back,  
5 and they actually, in many ways, usurp the authorities of  
6 those -- or -- or oversee and hold a bigger club over those  
7 presidents and those provosts.

8                   The two -- besides having -- and that goes to  
9 everything. So we -- we've done the University of Chicago  
10 letter, we went through -- every school had to adopt it. We  
11 have 28 colleges and 12 universities. All adopted it. We've  
12 done -- we created the -- an institute -- and again, they're  
13 all good ideas and throw the sink at it, but if we -- if every  
14 state did an institute, we just did the Hamilton Institute  
15 based in University of Florida.

16                   You know, and the whole point is to create a  
17 farm team of more conservative professors, create an  
18 environment where kids can go and get a degree without having  
19 to be subjected to the stuff of our previous panel. But that  
20 institute, with probably four or five million dollars to seed  
21 it this last year, will produ- -- you know, have a class next  
22 year of about 50 to 100 students. If we replicated that in all  
23 50 states and we did it at mach speed, you know, and we're at  
24 5,000 students, all of a sudden, you know, we have -- you know,  
25 if you count all colleges: private, public, community colleges

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1 and universities, I mean, we have, 19 million students. I  
2 mean, we're just -- it's -- it's -- it should happen and we  
3 should do it, but we've got to recognize that that's not --  
4 that's not a -- a short-term fix.

5 We've gone after -- and I think it's a great  
6 idea, the accreditation agency. I actually was -- the  
7 governor, being, again, if you have a game-changing leader, he  
8 says to me, he goes, Hey, I want you to apply and -- at Florida  
9 State University. I go, I'll do it. And so immediately, I  
10 apply and SACS, the accreditation agency, basically said that  
11 if I do that -- if -- if -- if they accept me, they're going to  
12 shut down the university, because they'll no longer be  
13 accredited.

14 And it wasn't the -- I wasn't the first victim.  
15 I mean, there were other ones. Then the select -- you know,  
16 the search committee, which was made up not of those corporate  
17 folks, but of -- of faculty and what have you, didn't let me  
18 get to the final -- final three. And -- but then we  
19 immediately, because of that, went back and said, Okay. For  
20 all of our colleges, all of our universities, they're all  
21 accredited by -- because it's regional -- SACSSOC [sic], the  
22 federal government, thanks to you, probably, and -- and Betsy  
23 DeVos opened it up.

24 And so we immediately passed legislation that  
25 said, Every single university, every single college, when they

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1 come for reaccreditation, cannot choose their existing one.  
2 They have to choose one other. And now, you have these other  
3 accreditation agencies who want in Florida, want in that  
4 footprint, who are literally running over in private  
5 conversations, SACSSOC, and -- and that competition and  
6 diversity is going to create a much fairer system in our  
7 universities.

8 But the two things I'd say, I think, that move  
9 the needle as quickly as you possibly can in anything in  
10 government is transparency and accountability. And you know,  
11 it's the -- you know, you go into your kitchen late at night --  
12 and my wife probably wouldn't appreciate me saying this, but  
13 you go in your kitchen, you flick on the lights, and you see  
14 the cockroaches scurry under the cabinets, you know? But --  
15 but --

16 MR. EITEL: It's Florida.

17 MR. CORCORAN: Yeah, yeah, it's Florida.

18 But -- but they're there. The same thing in  
19 transparency in education. In fact, when I was going through  
20 that process, one of the faculty members came up to me -- well,  
21 I met with them as part of the application process. And one of  
22 the faculty members said, You know, you're working on a bill  
23 that you're pushing -- because I was secretary at the time --  
24 that says that, among other things, we're going to do diversity  
25 studies so that we can see where our faculty is, you know,

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1 and -- and -- and line that up against previous years and  
2 decades. But also in that bill I said that any student who  
3 uses their cell phone in a classroom for recording purposes or  
4 video purposes is completely legal, completely authorized and  
5 completely allowed.

6 And so that was what they were upset about. And  
7 he's like, You know, why would you -- you know, where are you  
8 on that bill? What are you doing? And -- and I said to him, I  
9 said, Well, what exactly is going on your in classroom that you  
10 don't want us to see? You know, and -- and he goes, No,  
11 nothing. I go, So I think we're -- I think we're good, you  
12 know, there's no argument there. But that kind of transparency  
13 is a game changer.

14 And we need it even in the K-12. It gets much  
15 more sensitive in the K-12 because of the ages. But if you --  
16 and that's really -- many silver linings of COVID. I think one  
17 of the greatest silver linings is the absolute revolution of  
18 parents against education. I don't think CRT -- I think it's  
19 been going on for decades. I think all of these things have  
20 been going on for -- I think gender influence by teachers has  
21 been going on for decades.

22 But with COVID and with cameras in classrooms  
23 and with all of that available at the hands of parents, you saw  
24 this outrage. And that outrage led to -- I don't think  
25 Youngkin gets elected in Virginia apart from education and the

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1 revolt against what's going on against parental rights. Even  
2 to the point his -- his -- his opponent said that he thought  
3 that the State had more rights over those children than the  
4 parents.

5                   And when that happens, you see that revolt. And  
6 I think you're going to see it in a -- in a few weeks  
7 nationwide. But when you have that kind of transparency, I  
8 think we can move the needle and we can force those outcomes  
9 more so with -- with the -- with the schools.

10                   And then accountability works. I know you guys  
11 mentioned the Solomon. But when you put a focus -- and there's  
12 a lot of ways we can do this. Also, I think -- which is a  
13 little bit more difficult and there is unintended quonces --  
14 consequences to a lot of what we say, but the accountability we  
15 have, we immediately put in -- and I -- and I would be  
16 against -- I am maybe not -- I know Betsy came out the other  
17 day and said that -- but I'm not against shutting down if -- if  
18 somebody who's a great leader becomes president of this country  
19 and he has a -- an opportunity to put into place a secretary of  
20 education who has a -- you know, 10s of billions of dollars'  
21 worth of budget to influence what's going on in these liberal  
22 states, not one school -- not -- we have 67 counties in  
23 Florida. If we did not have the power of the purse, it's our  
24 strongest weapon, without question, nothing comes close.  
25 Without that power of purse, we would not have opened up

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1 schools, we have not have ended mask mandates, we would not  
2 have ended vaccine mandates, we would not have gotten rid of  
3 CRT, we would not have gotten, again [sic] of -- of gender  
4 teaching. All of that was done strictly by the power of the  
5 purse.

6 And the federal government's power is even  
7 greater than ours and -- and I will tell you, not -- other than  
8 Florida, I think a lot of the other 49 states needs someone to  
9 come down to them and say, If these things continue, you will  
10 not get funding. And they will react. The one thing a liberal  
11 does do is bow at the knee of -- of a lack of funding.

12 But that account- -- we also put in  
13 accountability that said, We're going to measure all the things  
14 that matter. You know, how many of your students are  
15 graduating in four years? How many of your freshmen become  
16 sophomores in two years? How many Pell Grant recipients do you  
17 have? What are those Pell Grant recipients doing? What -- how  
18 many kids are -- are immediate employed after school? All of  
19 those things.

20 And when you start putting all these pressure  
21 points that are -- that are objective onto faculty members,  
22 what happens is the leadership of that school starts pounding  
23 downward, you know, less of the opinion and the rhetoric and  
24 more of making sure that algebra's taught or -- or civics is  
25 taught, because at some point, they have to pass these exams.

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1 All the other stuff we have done, we -- in  
2 Florida, we have, again, 28 colleges, 12 universities. We have  
3 three million K-12 students. We only have tenure in ten  
4 universities. Everything else is tenure free. And I will say,  
5 I think we're in a great position, but liberalism abounds in  
6 our -- in our university system, even with the fact that we  
7 don't have tenure.

8 So I think there's -- there's nothing that we  
9 can't do, but in the interim, the more -- I would support  
10 cameras in K-12 schools. I know it's controversial, but the  
11 more that we can see what's going on, the greater -- the more  
12 lights we flick on, the more the cockroaches will scramble.

13 MR. ZYWICKI: Thanks, Richard. And Reed  
14 Rubinstein, I guess was unable to participate -- he couldn't  
15 make it. I'll just briefly say one -- one minute about Reed.  
16 Reed was going to be on this panel. He's American First Legal.  
17 He was one of the people involved in the Trump White House and  
18 Department of Education behind the -- they brought a lot of  
19 litigation. They also filed the -- the famous Princeton  
20 letter, if you know the Princeton letter where -- where the  
21 president of Princeton came out and said, We -- we were  
22 systemically racist here and have been for centuries.

23 And so the -- the Trump Administration asked, so  
24 why, then, have you been signing every year saying you don't  
25 discriminate as a condition for getting -- for getting federal



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1 funds? I think that model, right, is very consistent with what  
2 I was saying, which is sort of the hold them to their own  
3 standard, use their own weapons against them, and don't let  
4 them sort of evade their responsibilities. I don't know if,  
5 Bob, if you have anything to add to that what Reed may have  
6 been doing if worked closely with him.

7 MR. EITEL: No. I mean, that was a -- a project  
8 conceived and executed by the one-and-only Reed Rubinstein.  
9 And it -- it certainly made waves. You know, one thing we did  
10 not get into are sort of administrative moves that a -- an  
11 administration could do, you know, in 2025, in terms of OCR  
12 invest- -- officer civil rights investigations and using the  
13 power of that office to go after DEI in not just higher ed, but  
14 K-12, because they're violations -- many of these programs are  
15 violations -- flat-out violations of Title VI.

16 And right now, we're in a situation where  
17 complaints regarding those sorts of programs are not being  
18 investigated. They're -- the administration is dismissing  
19 them.

20 MR. ZYWICKI: Yeah. And prior admini- -- or  
21 Republican administrations on good work on religious liberties,  
22 for example, by being willing to use the civil rights office to  
23 really go after violations of religious liberty and they could  
24 be extended here. Josh?

25 MR. RAUH: So thank -- thanks very much and --

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1 and thanks everybody for sticking around for this. You know,  
2 solutions are a really important part of what we're trying to  
3 do here. I know, you know, Scott and I, in our Global Liberty  
4 Institute and the other institutions that are sponsoring this  
5 are really focused on solutions, so appreciate staying for the  
6 late night.

7                   Two questions: So it seems like I heard a lot  
8 of optimism about these institutes within universities that  
9 somehow will also be able to offer courses for credit, which  
10 has been a stopping point a lot of -- lot of institutions. But  
11 my question, even if we get past the hurdles, what stops what  
12 Mr. Bonevac referred to as Conquest Rules 2 and 3 from kicking  
13 in, meaning that the organization is ultimately going to be  
14 taken over by people who go against this original mission and  
15 also that by, you know, unless they're really asserting  
16 themselves strongly as being on the right and hold that,  
17 they're going to get dragged to the left. I've just seen that  
18 happen in too many other institutions, so I'm wondering whether  
19 the optimism is, you know, can we -- can we -- can we count on  
20 that optimism?

21                   Second question I had is about either laws or if  
22 we still have a ed department and use the power of the purse,  
23 as you say, funding, dependancy on, you know, prohibiting  
24 viewpoint discrimination. How can those regulations or laws be  
25 written so that prohibiting viewpoint discrimination will

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1 really address all of the things that we've heard this entire  
2 after- -- evening that have been experienced by, you know, so  
3 many of the -- of the panelists. You know, Brad Watson and  
4 Scott and Dorian Abbot, and, well, really, you know, most the  
5 people here. How is it, you know, prohibiting viewpoint  
6 discrimination, it sounds good, but Scott read a list of things  
7 that happened to him or people he knows, and I'm just wondering  
8 whether either a statute or an ed department regulation can  
9 even be written to address the most critical of those things?

10 MR. EITEL: Yeah. So be -- let me be clear. I  
11 do not think there should be an education department role in  
12 the enforcement of any kind of viewpoint discrimination civil  
13 rights law. I -- that -- right out of it, no regulations.  
14 This is a -- a civil rights of 1964 Title 7, Title VI type of  
15 statute enforced by the courts, the private litigation. I  
16 agree. It -- it will be difficult to draft, it will be  
17 unintended consequences. Yes, it will protect, you know,  
18 the -- the national socialist who, you know, teaches, you know  
19 S&M on the side and causes controversies and all -- you know,  
20 all two of them.

21 But it would also protect people like Dr. Atlas  
22 and his colleagues who have been persecuted. And I think  
23 that's the far greater concern that we need to -- to be -- to  
24 be worried about. So again, to stress, no rule for -- for  
25 federal agency enforcement, simply through private litigation.

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1 MR. CORCORAN: I -- again, I think the  
2 institutes are a great idea, but it's just going to be a very  
3 incremental process. And -- and I think what you said after  
4 that is -- I mean, because I think ours that we just started,  
5 the first one in the state's going to have 50 to 100 students.  
6 There's one in Arizona State. Robbie George started the one  
7 in -- in Princeton. I mean, it's -- it's -- it's very -- it's  
8 snail-pace change.

9 And then they also run into the problem of  
10 finding the right people to run them. I mean, they -- they  
11 choose the wrong leader of that institute, and then it, to your  
12 point, just gets coopted and becomes just like the rest of the  
13 university.

14 But I would say, on all the things that we've  
15 done when we do civics reform, rewriting standards, and  
16 everything I've done in public service, there's always that  
17 argument, Well, if we do this and all of a sudden there's a  
18 regime change, you know, won't they -- you know, they have the  
19 opportunity to do that. And the answer's true, which is why I  
20 say, we should seize the day and do as much as we possibly can  
21 with everything we have while we are in control and then trust  
22 on the fact that at -- in the end -- it might be apocalyptic,  
23 but in the end, truth will always stand.

24 MR. RAUH: I just want to state one follow-up  
25 thing with this, is you know, the Princeton -- president of

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1 Princeton defended his actions against Josh (Inaudible) and the  
2 (inaudible) continual maligning of him on a website by saying,  
3 This is my freedom of speech right to do this. So, you know, I  
4 just -- I -- I want to believe that it's possible to write  
5 statutes to be able to stop that, but I -- you know, how do  
6 you -- how do you rid this?

7 MR. EITEL: Well -- well, the issue there is  
8 that there was a negative employment action based on his -- on  
9 his point of view, right, that his -- you know, he's a  
10 well-established professor at the university who articulated,  
11 you know, frankly, a mainstream view and lost his position  
12 because of it. That -- I think that is the difference.

13 MR. ZYWICKI: Richard, did you have something to  
14 add or no?

15 MR. LOWERY: I mean, I -- I don't have much  
16 optimism for the institutes, and I don't think it takes time  
17 for them to be captured. They're now -- the system's in place.  
18 Any sort of institute gets captured instantaneously, so it's  
19 not even conquest law, it's a conquest event.

20 MR. ZYWICKI: The -- the -- the administrators  
21 are playing the long game here, right? They know -- they --  
22 they know the end state and I think Richard said it best and  
23 let -- if the donors are not willing to walk away in the end,  
24 then the administrators will steal their money. And, you know,  
25 and the donors often will exchange it for, you know, a game at

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1 the -- in the president's box, right?

2                   Second thing is, yeah, we have Robbie George.  
3 We all look at -- we all know Robbie George's success story.  
4 You know who else knows that? They do. Right? They basically  
5 said, We don't want one of those Robbie George things on our  
6 campus, right? So like Ro- -- it's precisely because Robbie  
7 George has been so successful that no other university or very  
8 few other universities has actually been able to re-create  
9 Robbie George because they do what they did to Richard, right?  
10 Which is a cut him off at the knees before they can actually  
11 set something up with real academic freedom.

12                   MR. EITEL: Todd, can I just add one thing? So  
13 there's an undercurrent to this conversation, and maybe I'm  
14 mistaken, that there's going to be a silver bullet to solve all  
15 these problems or some cat- -- you know, cataclysmic  
16 Napoleonic-style battle for the soul of the country that we  
17 fight and we win and walk off into the sunset. No. This is a  
18 daily battle that we'll need to fight for the rest of our  
19 lives, and our children will have to fight it and probably our  
20 grandchildren. It's a battlefield and that's the way it's  
21 going to be. That's just the way it is.

22                   MR. ZYWICKI: Yeah. The Gromshe (phonetic)  
23 project took how many generations for the left to capture the  
24 institutions? So do we have time for one more or were you  
25 calling it a day?

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1 UNIDENTIFIED SPEAKER: (Inaudible.)

2 UNIDENTIFIED SPEAKER: Thank you so much. Okay.  
3 Mr. Lowery, I want to say, I completely agree with you, which I  
4 know is weird because I'm 19, I'm supposed to be optimistic,  
5 but I think you're completely right that the conservative  
6 movement right now is just full of losers. And I think there's  
7 really two reasons. I think, number one, many of them are so  
8 afraid of the word "racist" that they just totally give the  
9 left all the ground on that. And then I think second, which  
10 you really identified correctly, is this, like, obsession with  
11 institutions and, you know, limited government, which I think  
12 would be good in, like, a virtuous society, but we really need  
13 to sort of use the vessels that we have. So I just want to say  
14 I agree with you.

15 I -- I guess I have two questions. The first  
16 is, like, for someone like me who's young, who wants to sort of  
17 try to win over as many young conservatives to my side, you  
18 know, get them -- stop being afraid of what the left thinks of  
19 them, what advice do you have?

20 And then secondly, I'm just curious, what do you  
21 think of, like, Ron DeSantis and his sort of mode of  
22 governance. And then, you know, do you think this count- --  
23 you know, if you had 49 other Ron DeSantises, do you think, you  
24 know, you would be more optimistic or do you think he's also  
25 kind of a grifter? I'm kind of curious where you think on

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1 that.

2 MR. LOWERY: I can -- I can answer the second  
3 part easily. Yeah, if we had 49 Ron DeSantises, things would  
4 get better, but we have one Ron DeSantis. And, you know, the  
5 gap between Ron DeSantis and the next person is just too large  
6 to really make a difference in higher ed, at least.

7 And as far as advice, I haven't been very  
8 effective at persuading anybody of anything, so whatever you  
9 guys are doing is working, 'cause you're like 19 years old and  
10 you're on a panel and you're getting videoed and you're going  
11 to be streamed, so what you're doing may work, but you just --  
12 I mean, just -- you just gotta grind through it. But, you  
13 know, what I did doesn't --

14 MR. ZYWICKI: I'll bet Ron DeSantis does  
15 understand game theory, Ron DeSantis does understand tit for  
16 tat and he understands the sucker strategy is not a -- not a --  
17 a winning strategy, right? Which is, I think -- and I won't  
18 ask Richard the case, but Ron DeSantis seems to have figured  
19 out Saul Alinsky, whether he's read him or not, right? But the  
20 basic point is, ever since that Disney thing, notice that  
21 corporate America's been very quiet since the Daub's opinion  
22 because -- and DeSantis isn't retaliating, but DeSantis is  
23 basically saying, tit for tat gets us back to neutrality.  
24 That's what we want to have, right, we want to have neutrality  
25 across our corporations. We just need less politics in this --



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1 in this country.

2 So I think -- so I think that's the model of  
3 fighting power with power to try to reestablish an equilibrium.

4 MR. LOWERY: But I live in Texas, so that's a  
5 little different.

6 MR. ZYWICKI: And I would say on -- for you  
7 guys, you guys are doing it right, which is have fun. It  
8 should be fun. All right. That's what -- that's what --  
9 that's the Alinsky lesson, right, you want your followers to  
10 have fun. And the other side is so serious, right, and they're  
11 so -- such a drag, right? So...

12 Can we get -- grab one right there?

13 MR. ATLAS: Okay. I think we're gonna -- we're  
14 going to call it a night here, although if people want to hang  
15 out and ask questions, that's fine. I want to thank, of  
16 course, this panel and all the other panelists. I thought it  
17 was an awesome meeting myself. I want to thank Dr. Arnn,  
18 Hillsdale, the Salem Center for Policy at the McComb School of  
19 Business and the Global Liberty Institute for sponsoring this.

20 There were 25 panelists who took a financial hit  
21 to do this. They didn't really make any money whatsoever. But  
22 really very grateful that they participated. It was a great  
23 discussion. I want to thank Jim Hankins for coming to give  
24 a -- a really amazing keynote. I also want to thank my  
25 colleagues, Richard Lowery and Josh Rauh, who worked very hard

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1 to put the whole meeting together. Thanks --

2 (Applause.)

3 MR. ATLAS: Yes. I want to thank Amanda, Emma  
4 and Patrick, all of Hillsdale, who did all the logistical hard  
5 work here. The meeting went incredibly well, far as I'm  
6 concerned.

7 (Applause.)

8 MR. ATLAS: Yes. The audience, of course, for  
9 coming. I hope you enjoyed it. Thank you for your support and  
10 for your future support in advance. And of course, I want to  
11 say to everybody, but particularly the young people, we never  
12 give up. Never. Thank you very much.

13 (End of recording.)

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